

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TEXTRON INNOVATIONS INC.,

Plaintiff,

vs.

SZ DJI TECHNOLOGY CO., LTD., DJI
EUROPE B.V, AND DJI TECHNOLOGY,
INC.,

Defendants.

Civil Action No. 6:21-cv-740-ADA

JURY TRIAL DEMANDED

CLAIM CONSTRUCTION ORDER

Before the Court are the Parties' claim construction briefs: Plaintiff Textron Innovations Inc.'s responsive and reply briefs (ECF Nos. 67 and 69, respectively) and Defendants DJI Europe B.V., DJI Technology, Inc., SZ DJI Technology Co., Ltd.'s opening and reply briefs (ECF No. 66 and 68, respectively). The Court held the Markman hearing on April 20, 2022. During that hearing, the Court informed the Parties of the constructions it intended to provide for all terms. This Order does not alter any of those constructions.

I. STANDARD OF REVIEW

Generally, courts construe claim terms according to their plain and ordinary meaning. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (*en banc*). The Federal Circuit applies a "heavy presumption" in favor of construing terms according to their plain and ordinary meaning, that is, the "meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention." *Azure Networks, LLC v. CSR PLC*, 771 F.3d 1336, 1347 (Fed. Cir. 2014) (vacated on other grounds); *Phillips*, 415 F.3d at 1313. The "only two exceptions to [the] general rule" that claim terms are construed according to their plain and ordinary meaning are

when the patentee acts as his own lexicographer or disavows the full scope of the claim term either in the specification or during prosecution. *Thorner v. Sony Computer Entm't Am. LLC*, 669 F.3d 1362, 1365 (Fed. Cir. 2012). To act as his own lexicographer, the patentee must “clearly set forth a definition of the disputed claim term,” and “clearly express an intent to define the term.” *Id.* at 1365. To disavow the full scope of a claim term, the patentee’s statements in the specification or prosecution history must represent “a clear disavowal of claim scope.” *Id.* at 1366. Accordingly, when “an applicant’s statements are amenable to multiple reasonable interpretations, they cannot be deemed clear and unmistakable.” *3M Innovative Props. Co. v. Tredegar Corp.*, 725 F.3d 1315, 1326 (Fed. Cir. 2013).

While the specification “may aid the court” in analyzing disputed language in a claim, “particular embodiments and examples appearing in the specification will not generally be read into the claims.” *Comark Commc’ns, Inc. v. Harris Corp.*, 156 F.3d 1182, 1187 (Fed. Cir. 1998) (internal citations omitted). Absent a “clear indication in the intrinsic record that the patentee intended the claims to be...limited,” courts do not read limitations found in the specification into the claims. *Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 913 (Fed. Cir. 2004).

II. DISCUSSION

The Court’s constructions are as follows:


	Claim Term	Plaintiff’s Proposed Construction	Defendant’s Proposed Construction	Court’s Final Construction
1	“selected” velocity and/or position (U.S. PATENT NO. 8,014,909, Claims 1, 2, 4, 7, 8, 9; U.S. PATENT NO.	Plain and ordinary meaning	“a velocity and/or position chosen by the operate of the aircraft”	Plain and ordinary meaning

	8,108,085 Claims 1, 6, 11) (Proposed by Defendants)			
2	“The flight control system according to claim 12, further comprising” (U.S. PATENT NO. 8,078,395 Claim 13) (Proposed by Defendants)	The preamble is not limiting. Alternatively, “The method according to claim 12, further comprising”	Indefinite	Not indefinite. “The method according to claim 12, further comprising”
3	“flight envelope having a . . . groundspeed threshold” (U.S. PATENT NO. 9,162,752 Claim 1) (Proposed by Defendants)	Plain and ordinary meaning	“set of one or more constraints, including a groundspeed range bounded by a threshold”	Plain and ordinary meaning
4	“forward speed hold loop . . . wherein the forward speed hold loop automatically engages when the longitudinal controller is returned to a detent position and the aircraft groundspeed is outside a first groundspeed threshold” (U.S. PATENT NO. 9,162,752 Claim 13) (Proposed by Defendants)	Plain and ordinary meaning	“loop for maintaining the aircraft’s forward speed that automatically engages to maintain the current forward speed when the longitudinal controller is returned to a detent position and the aircraft’s groundspeed exceeds the first groundspeed threshold”	Plain and ordinary meaning
5	“wherein the lateral speed hold loop automatically engages when the lateral controller is	Plain and ordinary meaning	Indefinite	Not indefinite. Plain and ordinary meaning

	returned to a detent position and the aircraft groundspeed is outside the first groundspeed threshold; and wherein lateral maneuverability of the rotary aircraft is controlled by . . . the lateral speed hold loop . . . when the lateral controller is out of the detent position” (U.S. PATENT NO. 9,162,752 Claim 13) (Proposed by Defendants)			
6	“flight in the first groundspeed threshold” (U.S. PATENT NO. 9,162,752 Claim 13) (Proposed by Defendants)	Plain and ordinary meaning	Indefinite	Not indefinite. Plain and ordinary meaning
7	“camera feed comprises a camera view of at least a portion of the rotorcraft” (U.S. PATENT NO. 10,243,647 Claims 1, 16, 24, 25) (Proposed by Defendants)	Plain and ordinary meaning	“camera feed comprises a camera view that shows a portion of the rotorcraft”	Plain and ordinary meaning
8	“generat[e/ing] a display output based on the camera feed and the sensor data, wherein the display	Plain and ordinary meaning	“generat[e/ing] a display output based on the camera feed and sensor data to display the portion of the	Plain and ordinary meaning

	output comprises a visual perspective of the object relative to the rotorcraft” (U.S. PATENT NO. 10,243,647 Claims 1, 16, 24, 25) (Proposed by Defendants)		rotorcraft and provide a visual perspective of the detected object relative to the rotorcraft”	
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SIGNED this 12th day of May, 2022.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE